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14 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
15  
16 IN AND FOR THE COUNTY OF MARICOPA

17 THE STATE OF ARIZONA ex rel. TERRY  
18 GODDARD, the Attorney General, and THE  
19 CIVIL RIGHTS DIVISION OF THE ARIZONA  
20 DEPARTMENT OF LAW,

21 Plaintiff,

22 vs.

23 JESKO A/C SERVICES, L.L.C. dba CENTURY  
24 100 SERVICES, CLIMATE CONTROL, INC.,  
25 successor corporation, PETER TIGNINI in his  
26 official capacity as General Manager of JESKO  
A/C SERVICES, L.L.C. dba CENTURY 100  
SERVICES, ABC I-X Corporations,

Defendants.

No. CV2007-007517

COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF

(Nonclassified Civil)

1 Plaintiff, the State of Arizona ex rel. Terry Goddard, the Attorney General, and the  
2 Civil Rights Division of the Arizona Department of Law (collectively the "State"), for its  
3 Complaint, alleges as follows:

#### 4 INTRODUCTION

5 This is an action brought under the Arizona Civil Rights Act to correct an unlawful  
6 employment practice, to provide appropriate relief to an aggrieved person, and to vindicate the  
7 public interest. Specifically, the State brings this matter to redress the injury sustained because  
8 Defendant Jesko A/C Services, L.L.C. dba Century 100 Service's general manager, Defendant  
9 Peter Tignini (1) subjected Aggrieved Party, Tiffany Carlisle ("Carlisle"), to unwelcome  
10 verbal and physical conduct of a sexual nature and (2) made acceptance of such conduct a  
11 condition of Carlisle's employment in violation of the Arizona Civil Rights Act, A.R.S. § 41-  
12 1463(B).

#### 13 JURISDICTION AND VENUE

- 14 1. This court has jurisdiction of this matter pursuant to A.R.S. § 41-1481(D).
- 15 2. Venue is proper in Maricopa County pursuant to A.R.S. § 12-401(17).

#### 16 PARTIES

17 3. The Civil Rights Division of the Arizona Department of Law is an administrative  
18 agency established by A.R.S. § 41-1401 to enforce the provisions of the Arizona Civil Rights  
19 Act, A.R.S. § 41-1401 *et seq.*

20 4. The State brings this action on its own behalf and on behalf of Carlisle, an  
21 aggrieved person, as provided by A.R.S. §§ 41-1481(D) and (G).

22 5. At all relevant times, Defendant Jesko A/C Services, L.L.C. dba Century 100  
23 Service ("Jesko"), was an Arizona corporation authorized to do and doing business in  
24 Maricopa County, Arizona. Jesko maintained a business office at 2939 W. Culver Street # 6,  
25 Phoenix, Arizona 85009.  
26

6. At all relevant times, Jesko was an employer within the meaning of A.R.S. § 41-1461(4)(a).

7. At all relevant times, Defendant Peter Tignini ("Tignini") was Jesko's general manager on projects performed in and around Phoenix, Arizona. Tignini had authority over the terms and conditions of Jesko's employees.

8. Alternatively, upon information and belief, Tignini was an employee of Jesko within the meaning of A.R.S. § 41-1461(3)(a) at all relevant times.

9. Carlisle was an employee of Jesko within the meaning of A.R.S. § 41-1461(3)(a) from approximately May 16, 2005 to December 2005 with the exception of a brief period of time in November or December.

10. Upon information and belief Jesko is no longer in good standing with the Arizona Corporation Commission. Upon information and belief Climate Control, Inc. and ABC I-X Corporations are the successor corporations to Jesko. Upon information and belief Tignini is the Secretary of Climate Control, Inc and has ownership interests in ABC I-X Corporations.

11. The State is informed and believes and therefore alleges that Jeskco, Tignini, and Climate Control, Inc. (when collectively, "Defendants") were legally responsible for the acts or omissions giving rise to this cause of action and legally and proximately responsible for damages as alleged pursuant to A.R.S. § 41-1481(G).

## BACKGROUND

12. On May 9, 2006, Carlisle timely filed a complaint of employment discrimination with the State's Compliance Section, in which she alleged that, while working for Defendants, she had been the victim of sexual harassment based upon the following facts.

13. On or about May 16, 2005, Carlisle began working for Jesko as an office administrator.

1           14.    Shortly after Carlisle started working for Jesko, Tignini began subjecting her to  
2 comments and conduct of a sexual nature and he did so throughout her employment.

3           15.    Tignini made sexual comments about Carlisle's body, propositioned her and  
4 subjected her to unwelcome touching.

5           16.    Carlisle submitted to Tignini's demands because Tignini told her that her job  
6 would be in jeopardy and threatened to terminate her employment.

7           17.    Carlisle resigned her position with Jesko in November 2005 because of the  
8 intolerable work conditions caused by the sexual harassment. But she later returned to work  
9 because of the potential adverse consequences of breaching her 12-month employment  
10 contract with Respondent and because Tignini indicated that he would stop the sexual  
11 harassment. However, within one week Tignini resumed the harassment of Carlisle.  
12 Thereafter, upon information and belief, Tignini terminated Carlisle's employment.

13           18.    On May 16, 2005, Carlisle filed an administrative complaint with the State  
14 alleging that Tignini had subjected her to unwanted sexual language and touching throughout  
15 her employment by Jesko. The State accordingly investigated Carlisle's complaint of sex-  
16 based employment discrimination in accordance with the Arizona Civil Rights Act, A.R.S. §  
17 41-1481(B).

18           19.    At the conclusion of the State's investigation, the State determined that there is  
19 reasonable cause to believe that Defendants discriminated against Carlisle because of her sex  
20 by subjecting her to sexual harassment as a condition of her employment and maintaining a  
21 hostile work environment, in violation of the Arizona Civil Rights Act.

22           20.    The State issued its Cause Finding on April 5, 2007, and since that time, the  
23 State, Carlisle and Defendants have not entered into a Conciliation Agreement. The parties  
24 having thus exhausted their administrative remedies, the State is authorized to file this  
25 Complaint pursuant to A.R.S. § 14-1481(D).  
26



1  
2 **STATEMENT OF CLAIM**

3 **COUNT ONE**

4 **[Sexual Harassment in Violation of the Arizona Civil Rights Act, A.R.S. §41-1461 *et seq.*]**

5 21. Plaintiff realleges and incorporates by reference the allegations contained in  
6 paragraphs 1 through 20 of this Complaint.

7 22. Under A.R.S. § 41-1463(B)(1), it is an unlawful employment practice for an  
8 employer to discriminate against any individual with respect to her compensation, terms,  
9 conditions, or privileges of employment because of her sex.

10 23. Defendants have unlawfully discriminated against Carlisle in violation of  
11 A.R.S. § 41-1463(B)(1) by making her submission to unwelcome sexual conduct explicitly or  
12 implicitly a term or condition of her employment and subjecting her to a hostile work  
13 environment because of her sex, female.

14 24. As a result of Defendants' discrimination, upon information and belief, Carlisle  
15 suffered lost wages for which she should be compensated in an amount to be determined at  
16 trial pursuant to A.R.S. § 41-1481(G).

17 25. The State also is entitled to injunctive relief against Defendants' actions  
18 pursuant to A.R.S. § 41-1481(G).

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff requests that this Court:

21 A. Enter judgment on behalf of the State, finding that Defendants unlawfully  
22 discriminated against Carlisle because of her sex, in violation of the Arizona Civil Rights Act.

23 B. Enjoin Jesko, its successors including Climate Control, Inc. and ABC I-X  
24 Corporations, assigns and all persons in active concert or participation with Jesko, from  
25 engaging in any employment practice, including sexual harassment of employees, that  
26 discriminates in violation of the Arizona Civil Rights Act.

1 C. Enjoin Tignini from engaging in any employment practice, including sexual  
2 harassment of employees, that discriminates in violation of the Arizona Civil Rights Act.

3 D. Order Jesko, its successors including Climate Control, Inc. and ABC I-X  
4 Corporations, assigns and all persons in active concert or participation with Jesko, to make  
5 Carlisle whole and award Carlisle back wages calculated from the date she left her  
6 employment in amounts to be determined at trial.

7 E. Order Jesko, its successors including Climate Control, Inc. and ABC I-X  
8 Corporations, assigns and all persons in active concert or participation with Jesko, to create  
9 and enforce policies, practices and programs that provide equal employment opportunities for  
10 all its employees, and that eradicate the effects of its present unlawful employment practices,  
11 including but not limited to, policy changes and training.

12 F. Order Jesko, its successors including Climate Control Inc. and ABC I-X  
13 Corporations, assigns and all persons in active concert or participation with Jesko, to adopt and  
14 enforce an equal opportunity in employment policy that prohibits sexual harassment and that  
15 includes a procedure for reporting and investigating allegations of sexual harassment as well as  
16 for sanctioning substantiated allegations of sexual harassment.

17 G. Issue an Order authorizing the State to monitor Defendants' compliance with the  
18 Arizona Civil Rights Act and order Jesko, its successors including Climate Control, Inc. and  
19 ABC I-X Corporations, assigns and all persons in active concert or participation with Jesko, to  
20 pay the State a reasonable amount for such monitoring.

21 H. Award the State its taxable costs incurred in bringing this action.

22 I. Grant such other and further relief as this Court may deem just and proper in the  
23 public interest.

24 Dated this 4<sup>th</sup> day of May, 2007.

TERRY GODDARD  
Attorney General

By Christopher R. Houk  
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